

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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	:	
JAMES DONALDSON, et al.,	:	
	:	
Plaintiffs,	:	
	:	18-cv-07442-LDH-JO
v.	:	
	:	
HSBC HOLDINGS PLC, et al.,	:	
	:	
Defendants.	:	
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STIPULATION AND [PROPOSED] ORDER

The Moving Defendants,¹ through their counsel, and Plaintiffs, through their counsel, hereby stipulate and agree as follows:

WHEREAS a Complaint was filed against certain of the Moving Defendants in matter 14 Civ. 06601 (DLI-CLP) ("*Freeman*") on November 10, 2014;

WHEREAS the Court entered an order staying discovery in *Freeman* on January 16, 2015, ECF No. 37;

WHEREAS the Moving Defendants named in the Complaint in *Freeman* filed a motion to dismiss the Complaint in *Freeman* on November 10, 2016, ECF No. 120 (the "Motion to Dismiss");

WHEREAS the Hon. Cheryl L. Pollak, United States Magistrate Judge, issued a Report and Recommendation on July 27, 2018, ECF No. 165 (the "R&R") recommended that Moving

¹ The Moving Defendants are HSBC Holdings plc; HSBC Bank plc; HSBC Bank Middle East Limited; HSBC Bank USA, N.A.; Barclays Bank PLC; Standard Chartered Bank; The Royal Bank of Scotland N.V. (f/k/a ABN AMRO Bank N.V.); Credit Suisse AG; Commerzbank AG; and Deutsche Bank AG.

Defendants' motion to dismiss be denied;

WHEREAS the Moving Defendants named in the Complaint in *Freeman* filed objections to the R&R on August 31, 2018, ECF No. 174, which the District Court has not ruled on;

WHEREAS Plaintiffs filed a Complaint against certain of the Moving Defendants in the above-captioned matter ("*Donaldson*") on December 28, 2018, indicating that the Complaint in *Donaldson* is potentially related to *Freeman*; and

WHEREAS the parties, having met and conferred, agree in the interest of efficiency and judicial economy to stay all proceedings in *Donaldson* with respect to the Moving Defendants until 30 days after the District Court rules on the Motion to Dismiss in *Freeman*, and further agree that after the stay is lifted, service on the Moving Defendants with judicial process in *Donaldson* in the manner provided by Federal Rule of Civil Procedure 4 will not be required;

IT IS HEREBY STIPULATED BY AND BETWEEN the undersigned counsel as follows:

1. The undersigned parties agree that all proceedings in *Donaldson* with respect to the Moving Defendants, including service of the Complaint, should be stayed until 30 days after the District Court rules on the Motion to Dismiss in *Freeman* and that any time limit for service on the Moving Defendants shall not be deemed to begin to run until that date.
2. The Moving Defendants agree that upon termination of the stay, service on the Moving Defendants with judicial process in *Donaldson* in the manner provided by Federal Rule of Civil Procedure 4 will not be required as service on the Moving Defendants will be deemed effective as of that date.
3. The Moving Defendants further agree not to challenge venue in this District in this action.
4. The Moving Defendants otherwise retain all defenses and objections in

Donaldson, except for defenses and objections based on a defect in the summons or in the service of the summons in *Donaldson*. The defenses and objections that the Moving Defendants hereby retain include, but are not limited to, defenses and objections related to personal jurisdiction.


5. Following any ruling by the District Court on the Motion to Dismiss in *Freeman*, the parties will confer in good faith regarding the most fair and efficient way to proceed in light of such ruling, with all parties' rights in this regard fully reserved.

IT IS FURTHER STIPULATED BY AND BETWEEN the undersigned counsel that except as provided above, nothing in this stipulation shall waive any right or defense of any party, all of which rights and defenses are expressly reserved.

Dated: February 27, 2019

BARON & BUDD, P.C.

by



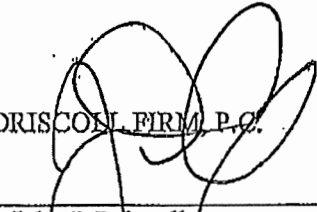
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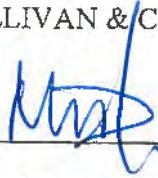
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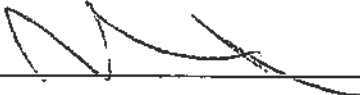
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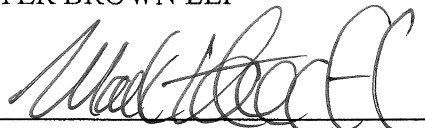
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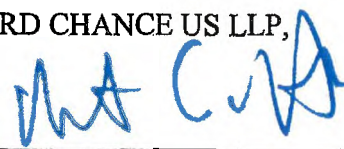
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IT IS SO ORDERED, this ____ day of _____, 2019:

LaShann DeArcy Hall
United States District Court Judge